

**DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINED LAND RECLAMATION**

GUIDANCE MEMORANDUM¹ No. 13-05

Issue Date: October 11, 2005

Subject: Anniversary Materials

In order to ensure that each permit's disturbed and reclaimed areas are correctly and adequately documented and to incorporate the documentation into the electronic permitting process, under most circumstances an anniversary map should be submitted with the anniversary report. The following lists the information that should be submitted with the anniversary report (DMLR-PT-028) for the Division's review.

Anniversary Maps²

Except for the exclusions noted below, an anniversary map should be included with the anniversary report submitted to DMLR. The map should:

- 1) Be submitted at a scale of 1" = 400'
- 2) Include a completed map legend (DMLR-PT-017) with appropriate information that corresponds with the anniversary report (DMLR-PT-028) (including the "*Since Permit Issuance*" data).
- 3) Be color coded per the map legend (DMLR-PT-017) to reflect actual field conditions at the time the report is prepared.
- 4) Provide the "*Linear and Square Feet of Highwall Eliminated*" for remaining areas, if applicable and in the corresponding fields on the map legend (DMLR-PT-017).
- 5) Reflect any changes in the permit boundary since the last approved permitting action.

Exclusions

- 1) An annual extent of underground mine works map will not be required for DMLR.

¹ This Memorandum is to be considered a guideline issued under the authority of § 45.1-230.A1 of the Code of Virginia which reads:

"In addition to the adoption of regulations under this chapter, the Director may at his discretion issue or distribute to the public interpretative, advisory or procedural bulletins or guidelines pertaining to permit applications or to matters reasonably related thereto without following any of the procedures set forth in the Administrative Process Act (§ 2.2-4000 et seq.). The materials shall be clearly designated as to their nature, shall be solely for purposes of public information and education, and shall not have the force of regulations under this chapter or under any other provision of this Code."

² This guidance memorandum rescinds Memo to Operators #12-94, regarding anniversary maps.

- 2) If the surface operation has not changed from the previous year (site in temporary cessation or a deep mine face-up area) no anniversary map will be required.

Primary Road Requirements

In reviewing the anniversary material, the Inspector will determine if there have been any changes in the primary roads since the last anniversary, renewal, or other permitting action (see Guidance Memorandum #10-05³). If the Inspector determines there has been a change in the primary road designations, an update will be required. The Inspector will instruct the permittee to submit a revision application (per 4 VAC 25-130-774.11 of the regulations) to identify the change(s), including but not limited to: as-built certifications, maps, and plans. Upon submittal, the revision application *will be reviewed in accordance with DMLR permit review procedures*.

Certifications

- 1) Annual impoundment/pond certifications are to be submitted with the Anniversary Report (2 copies – original and the Inspector's copy).
- 2) Haulroads - See above regarding primary roads.

Seeding Reports

If seeding has been conducted or trees planted since the last anniversary report or renewal, a seeding report (**DMLR-PT-011**) will need to be completed and submitted with the anniversary map and report. The acreages noted on the seeding report should correspond with those listed on the anniversary report, map, and map legend.

Electronic Copies

The anniversary report, seeding report, map, and certifications (sediment basins) should be submitted by paper copy with the original signature of the permittee or authorized representative, as well as the registered professional engineer's signature on the maps and certifications. It is preferred that the permittee also submit an electronic version of the anniversary materials on computer disc.

DMLR Review

The field Inspector will review and initial the anniversary report and certifications prior to submittal to DMLR's office.

³ Should you have any questions regarding road classifications, please contact the DMLR's Reclamation Services Manager at (276) 523-8197.

In the event the Inspector determines a discrepancy exists concerning the anniversary materials and the actual field conditions, the Inspector will require the permittee to correct the information prior to submitting the materials to the DMLR's Big Stone Gap office.

Once received by the DMLR office, the anniversary materials will be routed to the Permit Review Specialist and Engineering Technician for detailed review.

Anniversary Fees⁴

Upon approval of the anniversary report, the DMLR will notify the permittee by certified mail of the required anniversary fees. The fees will be in the amount of \$13.00 per acre multiplied by the total number of acres disturbed since permit issuance, or portion thereof (e.g. 25.10 acres = 26 acres rounded up X \$13.00 = \$338.00). Payment shall be submitted to the Division by cash, check, or money order. A check or money order should be made payable to the "Treasurer of Virginia."

⁴ See Guidance Memorandum #6-03, Permit Fees, issued May 12, 2003.